



USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 12/15/2021

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December 14, 2021

Via ECF

Hon. Victor Marrero
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Civil Rights Corps, et al. v. Pestana, et al.*, 21-cv-9128 (VM)

Dear Judge Marrero:

This office represents defendants Georgia Pestana, Corporation Counsel of the City of New York, and Melinda Katz, District Attorney for Queens County (together, the "City defendants"), with respect to the above-referenced action.

Although the Court has now ruled on the City defendants' extension requests (Dkt. No. 32), we write in response to the letter submitted by plaintiffs' counsel earlier today (Dkt. No. 31), which makes a number of new requests of the Court. We note that the proposed schedule outlined in plaintiffs' letter was never presented to our office to seek our consent.

We disagree with plaintiffs' suggestion that there is a deadline of January 14, 2021 for the filing of motions to dismiss. As we understand Section II(B) of Your Honor's individual practices, we are required to send a letter to plaintiffs' counsel, with a copy to the Court, setting forth the basis for dismissal, before our deadline to move, answer, or otherwise respond to the Complaint (now January 14), with any schedule for the filing and briefing of a formal motion to be set by the Court after completion of the pre-motion letter and conference process. The City defendants have no objection to an earlier deadline of January 4, 2022 for the submission of our letter explaining the basis for dismissal of the City defendants, but we find it confusing that plaintiffs' counsel has proposed a new date to the Court after having already consented to our request that the deadline to move, answer, or otherwise respond to the Complaint be extended to January 14, 2022. To the extent we are mistaken in the understanding that initiating the pre-motion letter process concerning a motion to dismiss in lieu of an answer

under Your Honor's individual practices satisfies the deadline to answer or move in response to the Complaint, we respectfully request clarification from the Court.

While January 17, 2022 is a Court holiday, we have no objection to a status conference being held on January 18, 2022 or soon thereafter in order to set an orderly schedule for the briefing of motions proposed by any of the parties.

Finally, we also have no objection to plaintiffs' proposed deadline of December 20, 2021 to respond to their pre-motion conference letter.¹

Respectfully submitted,

/s/ Krista Friedrich

Krista Friedrich

At this time the request by both parties, see also Dkt. 31, for a conference on January 18, 2022 is denied. The Court shall review all pre-motion letters and letters in opposition and will schedule a conference if deemed necessary after review.

SO ORDERED.

12/15/2021

DATE


VICTOR MARRERO, U.S.D.J.

¹ We note, however, that two business days from December 10, 2021 falls on today's date, not yesterday's.